

1030 15th Street, NW
Sixth Floor
Washington, DC 20006
Tel: 202-775-8383
Fax: 202-775-8395
202-822-9409

Nath and Associates PLLC

Fax

To: B. Nguyen From: L. Huiman
Fax: 703-746-3239 Pages: 2
Phone: _____ Date: 10/15/04
Re: Interview Agenda CC: _____

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

Interview Agenda for Application No. 10/017,194Examiner B. Nguyen2:00 pm October 19, 2004

Applicant proposes the following topics for discussion during the telephone interview to be conducted on October 19, 2004:

1. The inventive subject matter is classified in class 463, relating to computer games, while the cited references are classified in class 433 (Chishti, et al.) and class 46 (Fabricant). Applicant believes that the cited references are clearly non-analogous art, both to each other and to the present application, and requests an explanation from the Examiner as to the motivation, without using the present application as a guide, to combine these references. In particular, the Chishti, et al. reference deals with a professional computer program, while the Fabricant reference relates to a physical toy.
2. Using standard dictionary definitions, it is apparent that there is a clear difference between the inventive computer game and the computer program used in a business endeavor, as described in Chishti, et al. Applicant believes that Chishti, et al. teaches that its subject matter is for use by a dental or orthodontic professional in developing a treatment plan for a patient and demonstrating that plan. The inventive subject matter, as most recently amended, is clearly for use by a patient in participating in his/her own dental care. Applicant requests an explanation from the Examiner as to the reasons for concluding that this element does not create a patentable distinction between the prior art and the inventive subject matter.
3. Applicant notes that the Office Action states that to "bring forth more profits from the game" by attracting more people is a motivation cited by the Examiner for combining the cited references. Applicant notes that obtaining increased patient participation in dental care is a primary problem to be solved by the inventive subject matter, not increasing profits. Applicant further notes that increasing profits does not appear to be a goal of either of the cited references. In light of the teaching of the references and the inventive subject matter, Applicant requests an explanation of the relevance of profits to the motivation to combine references.
4. In light the points above, Applicant believes that there is no motivation to combine the cited references apparent from the record, and respectfully requests that consideration of whether the obviousness rejection should therefore be withdrawn.